

Application N .: 10/074930

Case No.: 52830US014

REMARKS

The specification has been amended in accordance with the Examiner's suggestion. Claim 1 also has been amended to clarify that the spraying mechanism is *adapted for* and is positioned to spray a polar liquid on the free fibers.

The Examiner has indicated that the three patent applications cited in applicants' Information Disclosure Statement have not been considered. Applicants respectfully submit that these applications must be considered because they are pertinent under Title 37, Rule 56 of the Code of Federal Regulations. Although the applications may not have been published, they are nonetheless pertinent for consideration under Rule 56, perhaps for reasons of double patenting or perhaps as applicable prior art under 35 USC § 102(a)/103.

Claims 15 and 16 were objected to because they were not written as independent claims. Applicants respectfully submit that these claims do not need to be so written because they further define the subject matter of the claims from which they depend. The Examiner's attention is directed to the definitions of "consists essentially of" and "composed of", which are provided on page 7 of the present application.

Claims 1-5, 7, 9, 12, and 14-16 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 3,245,767 to Sens et al. (Sens). Applicants respectfully submit that this rejection cannot be sustained.

Sens does not anticipate the present application because it does not disclose a spraying mechanism that is adapted for and is positioned to spray a polar liquid on the free fibers. Sens' spraying apparatus 30 is adapted for spraying a suitable binder onto the fibers. Nowhere does Sens indicate that the spraying mechanisms may be capable of spraying a polar liquid on the fibers. Further, Sens does not disclose an active drying apparatus. In Sens, the fibers, after being separated from the fiberizing drums, are carried downward to a collecting zone. The removal of the fibers from the fiberizing drums is aided by a steam blower 22 and/or suction box 23, which aids the formation of a stream of air flowing over the harvesting rolls. The delivery of steam over the fibers clearly cannot constitute a drying mechanism. The duct 29 is merely used to carry this steam from blowers 22 through the collection chain 29. In view of the failure of Sens to disclose either of these features of applicants' invention, the anticipation rejection cannot be properly sustained under 35 USC § 102.

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Claims 1-5, 7, and 11-16 have been rejected under 35 USC § 102(b) as being anticipated by U.S. Patent 2,658,848 to Labino. Applicants respectfully submit that this rejection also cannot be sustained. Labino does not disclose a spraying mechanism that is positioned to spray a polar liquid on free fibers. The Examiner refers to elements 71a and 71b for this purpose. A careful review of the Labino document, however, reveals that spray heads 71a and 71b are used to spray liquid on the fibers when they are on wire fabric belts 40 and 41. Please note that applicants define the term free fiber to mean "a fiber, or a polymeric fiber-forming material, *in transit* between a fiber-forming device and a collector." The Labino apparatus thus, does not spray its liquid on free fiber. As such, Labino does not anticipate applicants' invention under the terms of 35 USC § 102(b).

Because Sens and Labino both fail to teach or suggest the basic elements of applicants' invention, these documents also would not have rendered their invention obvious to a person of ordinary skill under 35 USC § 103. Accordingly, applicants respectfully submit that there is no prior art rejection that is capable of being maintained in this case. Please further consider the patentability of the subject matter claimed in this case in light of this amendment and the arguments provided above.

Respectfully submitted,

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Date

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